REMARKS

Claims 1 – 18 and 32 – 39 are in the application. Claims 1, 18, 32, and 35 – 39 are currently amended; claims 19 – 31 have been cancelled; and claims 2 – 17, 33, and 34 remain unchanged from the original versions thereof. Claims 1, 32, and 35 – 37 are the independent claims herein.

Applicant acknowledges with appreciation the Telephone Interview granted and conducted by Examiner William E. Rankins on October 6, 2009. The Examiner's comments, in part, included requests for further clarity regarding the first processing platform, the second processing platform, the account identifier, as well as that which Applicants claim as the invention. The claim amendments submitted herewith are provided to, at least in part, further clarify that which Applicants consider the invention.

No new matter has been added to the application as a result of the amendments submitted herewith. For example, support for the claim amendments relating to a first and second processing platform being "separate and distinct" from each other is provided in the Specification at pg. 11, ln. 25 – pg. 12, ln. 6; support for claim amendments relating to the monetary and non-monetary data from a private label database being "associated with said private label account and said first processing platform" is provided in the Specification at pg. 20, ln. 26 – pg. 21, ln. 5; and support for claim amendments relating to the transferring of monetary data "from the first processing platform to the second processing platform… in response to an activation of said dual card and said dual card account" is provided in the Specification at pg. 29, ln. 26 – pg. 30, ln. 4.

Reconsideration and further examination are respectfully requested.

Claim Rejections – 35 USC § 103

Claims 1 – 5, 7 – 18 and 35 – 39 were rejected under 35 U.S.C. 103(a) as being unpatentable over Lilly et al., U.S. Publication No. 2002/0156723 (hereinafter, Lilly) in view of "The fight for retail credit", Jason Fargo, Credit Card Management, New York: Dec 2000, Vol. 13, Iss. 9 (hereinafter, Fargo), "Retail cards seek wallet share", Kenneth L. Tye, Chain Store Age, New York: Feb 2001, Vol. 77, Iss. 2 (hereinafter, Tye), and Official Notice. This rejection is traversed.

Applicants note that the claimed first processing platform and the second processing platform are disclosed as being separate and distinct from each other in FIG. 1 and the corresponding discussion in the detailed description of the Specification. It is noted that the first processing platform 30 is not the same as the PLCC (i.e., private label) network 20 and the second processing platform 40 is not the same as the bankcard network 22. As disclosed, the first processing platform 30 is provides processing for private label transaction authorization requests and the second processing platform 40 is for processing dual card transaction authorization requests.

It is further noted that the claimed first processing platform and second processing platform cooperate to provide an efficient mechanism to upgrade private label accounts hosted/processed on one platform to a dual account hosted/processed on a second platform, while providing additional benefits to a dual card holder. (Specification, pg. 22 – ln. 20 – 27)

The separated first and second processing platforms facilitate purchase transactions initiated by a dual card from a homebrand retailer (i.e., the private label merchant) and transmitted over a private label network. Based on the dual account identifier included an authorization request associated with the transaction, the authorization request is appropriately processed by the second (i.e., the dual card) processing platform. This transaction type is disclosed in the Specification at pg. 15, ln. 20 – pg. 17, ln. 13 and further embodied in claim 32.

Regarding the cited and relied upon combination of Lilly, Fargo, Tye, and Official Notice, Applicants respectfully submits that independent claims 1 and 35 – 37 are not rendered obvious by the combination under 35 USC 103(a).

Applicants note claim 1 relates to a method including selecting a private label account maintained on a first processing platform for upgrade to a dual card account, said private label account associated with an account holder and having associated monetary and non-monetary data; determining that the account holder agrees to terms associated with the dual card account; creating said dual card account with a dual account identifier and a zero balance on a second processing platform that is separate and distinct from said first processing platform in response to the determining that the account holder agrees to the terms; extracting the associated monetary and non-monetary data from a private label database associated with said private label account and said first processing platform; transferring said non-monetary data associated with said private label account from said first processing platform to said second processing platform for association with said dual card account; causing a dual card associated with said dual card account to be transmitted to said account holder, said dual card and said dual card account being inactive until activated; and transferring said monetary data associated with said private label account from said first processing platform to said second processing platform for association with said dual card account in response to an activation of said dual card and said dual card account.

Regarding Tye's alleged disclosure of a second processing platform ("Pg., 1, para. 2 and Pg. 2, Para. 3), it is respectfully submitted that Tye does not disclosed the claimed second processing platform. Instead, Tye discloses a "turnkey model" of outsourcing card processing. (Tye, pg. 1, paras. 2 – 3) The only upgrade mentioned in Tye relates to "time-consuming upgrades to" retailers "inhouse processing systems". (Tye, pg. 1, para. 2) Furthermore, while Tye discloses "Sears' strategy to convert its inactive private-label accounts to active ones", there is absolutely no disclosure of a second processing platform configured as claimed by Applicants and interacting with a first processing platform as further claimed by Applicants. In fact, Tye only discloses "a

third-party processor to manage multiple card products and the cards' customer programs on a single system". (Tye, pg. 2, para. 3) No disclosure is made of the particular claimed upgrade method claimed by Applicants.

In addition to Tye failing to disclosed that for which it is cited and relied upon for disclosing, Applicants respectfully submit that the combination of Lilly, Fargo, and the alleged Official Notice do not provide or otherwise operate to compensate for the lack of disclosure in Tye.

Further regarding the alleged Official Notice that "the issuance and activation of credit cards, including dual credit cards was old and well known", Applicants challenge and disagree with the Official Notice. Applicants seek clarification as to what particular aspects of the broad and far-ranging concepts of "credit card issuance and activation" are particularly referred to and considered within the scope of the asserted Official Notice. In particular, Applicants requests the Office to clarify that which is considered old and well as it relates to the issuance and activation of credit cards and the pending claims such that Applicants can fully respond to the Office's assertion of official Notice.

Applicant therefore submits that the cited and relied upon ***combination*** of Lilly, Fargo, Tye, and Official Notice does not render claims 1 and 35 – 37 obvious under 35 USC 103(a) since the ***combination*** of Lilly, Fargo, Tye, and Official Notice fails to disclose or suggest all of the claimed aspects of claims 1 and 35 - 37.

Therefore, Applicant respectfully submits claims 1 and 35 – 37 and the claims 2 – 5, 7 – 18, 38, and 39 depending therefrom are not obvious under 103(a) in view of Lilly, Fargo, Tye, and Official Notice. Applicant therefore requests the reconsideration and withdrawal of the rejection to claims 1 – 5, 7 – 18, and 35 – 39 under 35 USC 103(a), and the allowance of same.

Claim 6 was rejected under 35 U.S.C. 103(a) 103(a) as being unpatentable over Lilly in view of Fargo, Official Notice, and Steel et al., U.S. Publication No. 2005/0021456 A1 (hereinafter, Steele). This rejection is traversed.

Applicant submits Steel does not correct or otherwise compensate for the shortcomings in disclosure of Lilly, Fargo, and Official Notice. Inasmuch as the combination of Lilly, Fargo, and Official Notice does not disclose or suggest that for which it was cited and relied upon for teaching, Applicant respectfully submits the ***combination*** of Lilly, Fargo, Official Notice, and Steele also fails to render claim 6 obvious under 35 USC 103(a).

Therefore, Applicant respectfully requests the reconsideration and withdrawal of the rejection to claim 6 under 35 USC 103(a), and the allowance of same.

Claim 32 was rejected under 35 U.S.C. 103(a) as being unpatentable over Lilly in view of Official Notice. This rejection is traversed.

Applicants submit claim 32 relates to a method for operating a private label processing platform including determining an account identifier associated with a transaction authorization request is an identifier of a dual card account, said authorization request including information identifying a transaction amount, a merchant, and the account identifier; receiving from a private label processing network, the authorization request; and; forwarding said authorization request to a dual card processing platform for processing of said authorization request.

It is not seen where Lilly and the asserted Official Notice can be seen to disclose or suggest operating a private label processing platform that includes (1) determining an account identifier associated with a transaction authorization request is an identifier of a dual card account, the authorization request including information identifying a transaction amount, a merchant, and the account identifier; (2) receiving from a private label processing network, the authorization request; and (3) forwarding the authorization request to a dual card processing platform for processing of the authorization request.

In view of the foregoing, amended independent claim 32 is believed to be in condition for allowance.

Claim 33 was rejected under 35 U.S.C. 103(a) as being unpatentable over Lilly in view of Official Notice and Roshkoff U.S. Publication No. 2004/0254837 (hereinafter, Roshkoff); and claim 34 was rejected under 35 U.S.C. 103(a) as being unpatentable over Lilly in view of Official Notice and Graves U.S. Patent No. 6,575,361 (hereinafter, Graves). These rejections are traversed.

Applicant submits Roshkoff and Graves do not, in any combination, correct or otherwise compensate for the shortcomings in disclosure of Lilly and the asserted Official Notice. Inasmuch as the combination of Lilly and the Official Notice does not disclose or suggest that for which it was cited and relied upon for teaching, Applicant respectfully submits the ***combination*** of Roshkoff, Graves, Lilly and the Official Notice, in any combination also fails to render claims 33 and 34 obvious under 35 USC 103(a).

Therefore, Applicant respectfully requests the reconsideration and withdrawal of the rejection to claims 33 and 334 under 35 USC 103(a), and the allowance of same.

CONCLUSION

Accordingly, Applicants respectfully request allowance of the pending claims. If any issues remain, or if the Examiner has any further suggestions for expediting allowance of the present application, the Examiner is kindly invited to contact the undersigned via telephone at (203) 972-5985.

Respectfully submitted,

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Date

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